

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

PLAINTIFF JOSEPH WARD, by his next  
Friend, et al.

Plaintiffs,

VS.

CECILE YOUNG, in her official capacity as Executive Commissioner of the Texas Health and Human Services Commission,

Defendant.

CIVIL ACTION NO. 1:16-cv-00917-LY

## PLAINTIFFS' UNOPPOSED MOTION TO MODIFY THEIR EXPERT DESIGNATION DEADLINE

Plaintiffs Joseph Ward, et al., respectfully file this Unopposed Motion to Modify the Expert Designation Deadline in the Court's May 12, 2022, Scheduling Order. The requested extension will not affect the discovery deadline, the dispositive motion deadline, or the trial date. In support, Plaintiffs would show:

The current Scheduling Order provides for Plaintiffs to designate and serve materials required by Federal Rule of Civil Procedure 26(a)(2)(B) by June 5, 2023.

Defendant's deadline to designate and serve her expert materials is not until July 31, 2023, and discovery does not conclude until September 29, 2023.

The parties already have one deposition scheduled after the current June 5, 2023 expert designation deadline and anticipate more may be set. Moving Plaintiffs' expert designation deadline to June 30, 2023 would allow Plaintiffs additional time to conduct discovery before the deadline, and thereby lessening the chance Plaintiffs' experts will need to supplement their expert report.

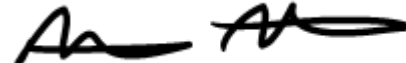
Plaintiffs do not move for this extension for purposes of delay, but rather in the interests of justice and judicial economy.

Defendant is unopposed to this motion.

The new deadlines under Plaintiffs' motion are as follows:

1. All parties asserting claims for relief shall file and serve on all other parties their designation of testifying experts and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **June 30, 2023**.
2. Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony. Defendant shall submit her objections no later than **July 14, 2023**, or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later.

Respectfully submitted,



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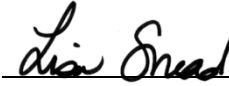
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ATTORNEYS FOR PLAINTIFFS

### **CERTIFICATE OF CONFERENCE**

I hereby certify that on March 13, 2023, I conferred with counsel for Defendant, who stated that Defendant is unopposed to this motion.

  
\_\_\_\_\_  
LISA SNEAD

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2023, a true and correct copy of the foregoing document was electronically filed using the Court's CM/ECF filing system, thus providing notice of electronic filing to the following:

Kimberly Gdula  
William D. Wassdorf  
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